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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
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Note verbale dated 2 March 2001 from the Permanent Mission of Sweden to the United Nations addressed to the Department for Disarmament Affairs of the Secretariat, transmitting the Comments of the European Union on the Chairman's revised Draft Programme of Action on Small Arms (A/CONF.192/PC/L.4/Rev.1)

The Permanent Mission of Sweden to the United Nations presents its compliments to the Department for Disarmament Affairs of the United Nations Secretariat and has the honour to transmit, on behalf of the European Union, the Comments of the European Union on the Chairman's revised Draft Programme of Action (A/CONF.192/PC/L.4/Rev.1) (see annex).

The Permanent Mission of Sweden to the United Nations requests the Secretariat to circulate this document to delegations of the United Nations as a document of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, so that it may be considered at its third session, scheduled to be held from 19 to 30 March 2001.

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Annex

Comments of the European Union on the Chairman's revised Draft Programme of Action on Small Arms (A/CONF.192/PC/L.4/Rev.1)

1. The European Union welcomes the revised Draft Programme of Action (A/CONF.192/PC/L.4/Rev.1) and expresses its appreciation to the Chairman for this timely contribution to the work of the Preparatory Committee. The European Union supports the general thrust of the document, which will serve as a good basis from which to develop the future work of the Preparatory Committee. The revised version is shorter and more concise, and has the advantage of translating political principles into an operative Programme of Action that focuses on the problems raised by small arms and light weapons specifically designed, manufactured or modified for military use. In this context, the Union would like to reiterate that it is looking for one document in which the political commitments are outlined in a preamble.

2. The European Union is of the opinion that the Preparatory Committee at its third session should consider the revised Draft Programme of Action paragraph by paragraph and, in so doing, develop the specifics in the document. During the forthcoming meeting of the Preparatory Committee, the Union intends to put forward detailed proposals to further elaborate on some parts of the document as a contribution to the constructive work of the Committee.

3. The views and suggestions from relevant United Nations organs and the Bretton Woods institutions, which are to be presented at the beginning of the third session, will provide valuable input and should be taken into account as the Programme of Action is elaborated further. By the same token, regional actions and initiatives should be factored into the document, and thus suggestions by regional organizations at the third session should also be taken into account.

4. As regards the specific subjects, the European Union would like to put forward some preliminary comments, in particular in order to make the commitments contained in the Programme of Action more concrete. They will be followed up with drafting suggestions during the forthcoming meeting of the Preparatory Committee. The preliminary comments of the European Union relate, inter alia, to:

- Export control and related issues;
- Stockpile management, reduction of surpluses, and destruction;
- Information exchange;
- Assistance to support implementation;
- Follow-up.

Preamble

5. The Programme of Action would benefit from emphasizing in the preamble the importance of efforts to combat the illicit trade in small arms in all its aspects, as a contribution to the prevention of conflicts.

6. The European Union believes that it is important to highlight the concerns for the negative impact of small arms proliferation on development, particularly in undermining national and international efforts to pursue and support sustainable development programmes.

Export control and related issues

7. As a general comment on section II, the European Union would like to propose that the structure of this section be made clearer with regard to how each issue (marking, stockpile management, brokering, etc.) could be tackled in a coherent and incremental way at the national, regional and global levels, respectively. Care must be taken so that the burden of work is not disproportionately distributed. The Union believes that this will be an important element to which particular care will have to be given during the detailed review of the document at the third session of the Preparatory Committee.

8. The European Union considers strict export controls to be of utmost importance in the efforts to combat the illicit trade in small arms and light weapons in all its aspects. For this reason, the European Union considers it important to further develop the commitments contained in the revised Draft Programme of Action, in particular section II, paragraphs 8 to 11. In this context, the Union proposes that export criteria be included. The formulation of the commitments regarding export/import procedures as well as export criteria should be drawn from the language agreed in the Organization for Security and Cooperation in Europe (OSCE).

9. In the context of cooperation on law enforcement (e.g., sect. II, para. 27), it is essential to draw attention to the problems posed by *diversion* of small arms.

10. *Brokering*: The European Union proposes to strengthen section II, paragraph 12, on national measures, and to include a political commitment regarding the elaboration, at the international level, of a legally binding instrument on arms brokering, as envisaged in section IV, paragraph 1 (d).

11. *Financing and transportation*: The European Union is of the opinion that it would be useful to include commitments to consider how to deal with financing and transportation, in the context of the illegal trade in small arms. On financing, in particular the links between the illegal arms trade and other kinds of illicit trade should be covered.

12. *Traceability/marking*: The European Union supports the proposal to elaborate a legally binding instrument on traceability/marking (sect. II, para. 35).

Surplus and stockpile management

13. The European Union supports the proposals concerning management of stockpiles, reduction of surpluses, and destruction, and proposes to add indicators of surplus in the Programme of Action, as expressed in the OSCE document.

14. The European Union supports the proposals regarding information exchange in the context of law enforcement (sect. II, para. 22), and as a confidence-building measure (sect. II, para. 30). However, transparency on legal flows of arms will be of great help to uncover and combat illicit flows of arms. The Programme of Action should therefore encourage States to make information available on exports and imports not only in a regional context, as indicated in section II, paragraph 30, but also at the global level.

Assistance and cooperation

15. The European Union strongly supports the proposals regarding assistance to efforts to implement the commitments in the Programme of Action, and proposes that the important contributions that could be made by relevant parts of the United Nations Secretariat (Department for Disarmament Affairs, Department of Peacekeeping Operations, Office for the Coordination of Humanitarian Affairs), and by organizations such as the United Nations Development Programme, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Bank, be highlighted.

16. The Programme of Action would benefit from emphasizing the connection between the illicit trade in small arms and economic and social development. Actions dealing with the problems of small arms should include national and regional capacity-building and good governance measures, and should draw on the experience of non-governmental organizations and civil society.

17. The European Union would like to have a stronger reference to disarmament, demobilization and rehabilitation as well as management of surpluses and stockpiles in peace agreements (sect. II, para. 34), and to the importance of including these questions in mandates of peacekeeping operations. By the same token, control and reduction measures need to be integral parts of future development programmes.

Follow-up

18. The European Union strongly supports the role of non-governmental organizations and civil society in the implementation of the Programme of Action.

19. The European Union proposes that time lines be introduced for the elaboration of international legally binding instruments.

20. The European Union supports the proposals dealing with the follow-up to the Conference, including the proposal of a follow-up conference in 2006 (sect. IV, para. 1 (a)).

21. The European Union is in favour of the proposal concerning meetings of States on a biannual basis to discuss the implementation of the Programme of Action (sect. IV, para. 1 (b)). In addition to considering national and regional implementation, it would be useful to consider global action at such meetings. The biannual meetings would benefit from reports submitted by States and regional organizations.